

REMARKS/ARGUMENTS

Claims 1 through 10 are now pending in the present application. Claims 1, 6, and newly added claim 10 are the three independent claims. Claims 2 through 5 depend from claim 1. Claims 7 through 9 depend from independent claim 6.

Applicant notes that claims 6 through 9 are allowed. Applicant notes receipt of the Reasons for Allowance in the pending Action. In response, applicant respectfully submits that claims 6 through 9 of the instant application are allowable for the reasons set forth in the specification, as well as the arguments presented in applicant's prior response. Any statements set forth by the Office in the Reasons for Allowance, which differ from that previously stated by applicant in the specification and response filed with the U.S. Patent and Trademark Office form no basis for allowance and therefore provides no grounds for application of the Doctrine of Prosecution History Estoppel in the construction of the allowed claims.

In the Action, the drawings were objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because reference numeral "10" was omitted from the drawings. Applicant has added previously omitted reference numeral "10" to proposed Figure 2. Reference numeral "10" was disclosed in the specification at page 18, line 12. No new matter has been added to the application. In the Action, the drawings were further objected to as failing to comply

with 37 C.F.R. § 1.84(p)(5) because reference numerals "24", "81" and "234c" were included in the drawings, but omitted from the description of the drawings. In response, applicant contends that reference numeral "24" found in Fig. 1 is indeed described at page 13, line 16 of the specification. Applicant further submits a corrected drawing to Fig. 5 to add previously omitted reference numeral "234c" to Fig. 5. This reference numeral was described in the specification at page 27, line 7. No new matter has been added. With regard to reference numeral "81" found in Fig. 2, applicant has amended the specification at page 19, line 13 to include reference to reference numeral "81" in the specification and to correct this minor informality. No new matter has been added. As requested by the Office, applicant requests authorization to submit final corrected drawings showing the proposed corrections. Reconsideration and withdrawal of the 37 C.F.R. § 1.84(p)(5) rejections are respectfully requested.

In the Action, claim 1 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. According to the Office, claim 1 has subject matter not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention.

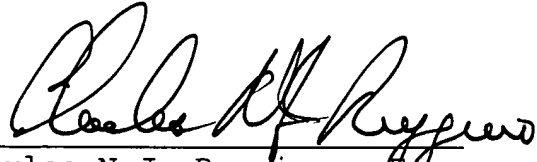
Specifically, the claimed elements of "each of said attenuator components being of identical design" and "said attenuator components having a range of varying performance characteristics" require amendment. The Office has

suggested that claim 1 be amended to delete from claim 1 that each of the attenuator components be of identical design and to reflect that each component has varying characteristics. Applicant has amended claim 1 consistent with the Office's suggestion to overcome the 35 U.S.C. § 112 rejection. Reconsideration and withdrawal of the 35 U.S.C. § 112, first paragraph rejection are respectfully requested.

In the Action, claims 1 through 5 are provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1 through 5 of co-pending patent application to Viorel having serial number 09/426,624. The Office has stated that claims 1 through 5 of the instant application are identical to claims 1 through 5 of the co-pending '624 patent application, thus necessitating the 35 U.S.C. § 101 rejection. In response, applicant submits that claims 1 through 4 of the co-pending '624 patent application have been cancelled and claim 5 has been amended. Thus, this renders moot the provisional rejection of claim 1 through 5. Reconsideration and withdrawal of the rejection of claims 1 through 5 under 35 U.S.C. § 101 are respectfully requested.

In view of the foregoing, applicant respectfully submits that all of claims 1 through 10 patentably distinguish over the references. Accordingly, applicant respectfully requests favorable consideration and that the application be passed to allowance.

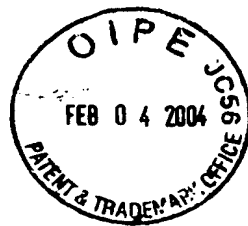
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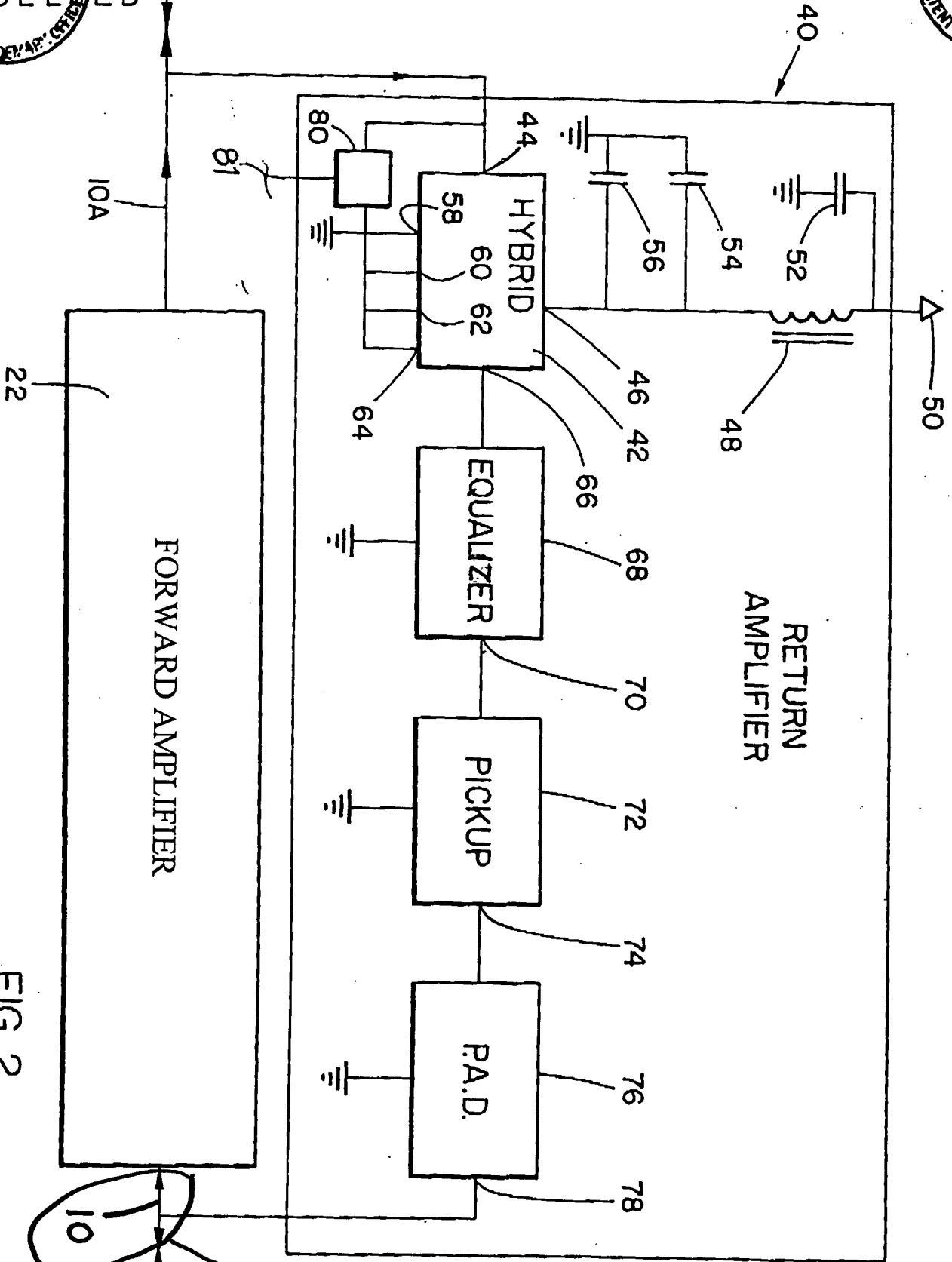
ANNOTATED SHEET SHOWING CHANGES



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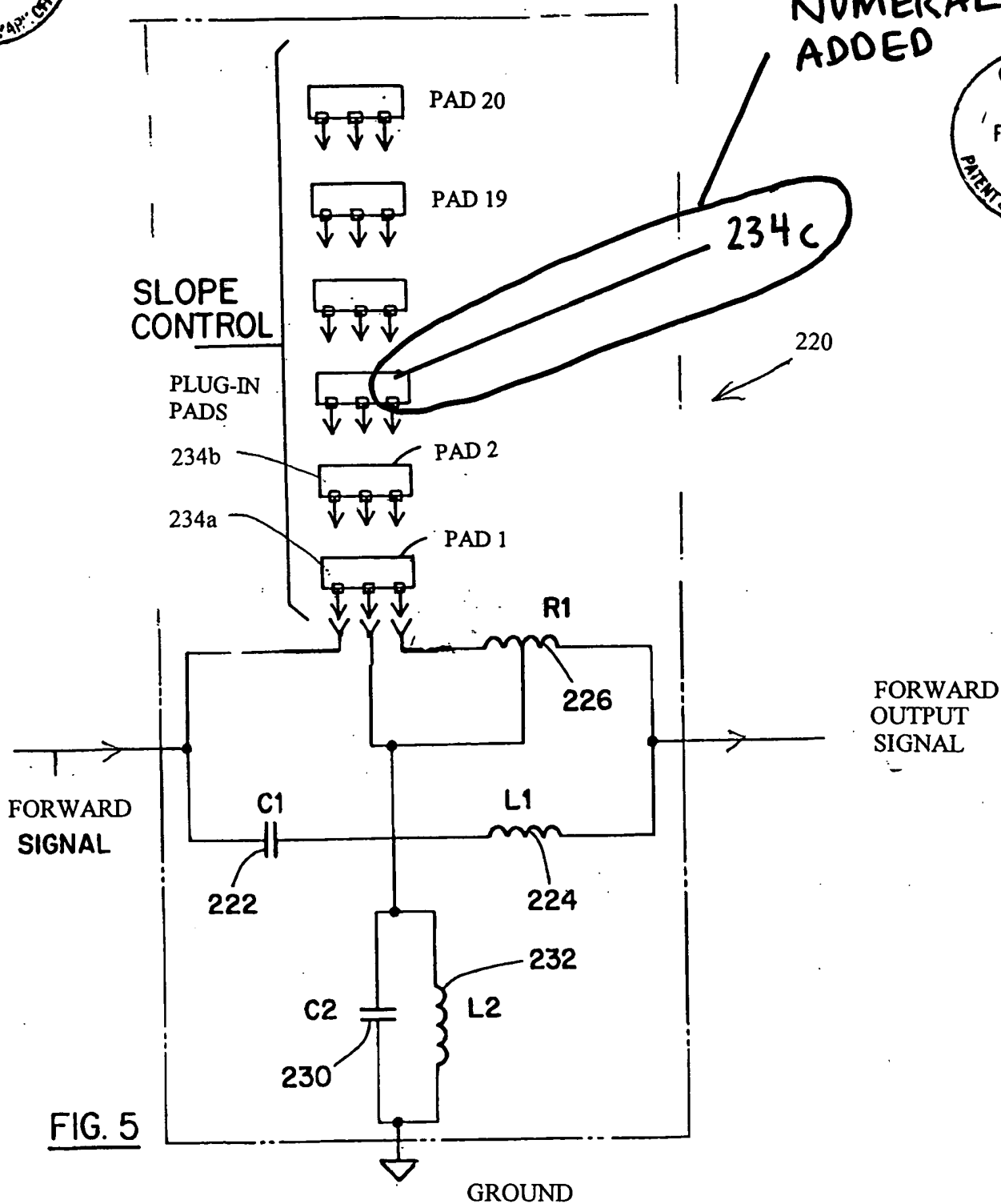
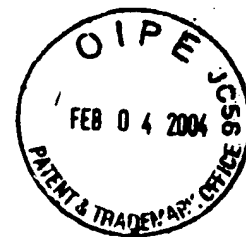


REFERENCE
NUMERAL
ADDED

FIG. 2



REFERENCE
NUMERAL
ADDED



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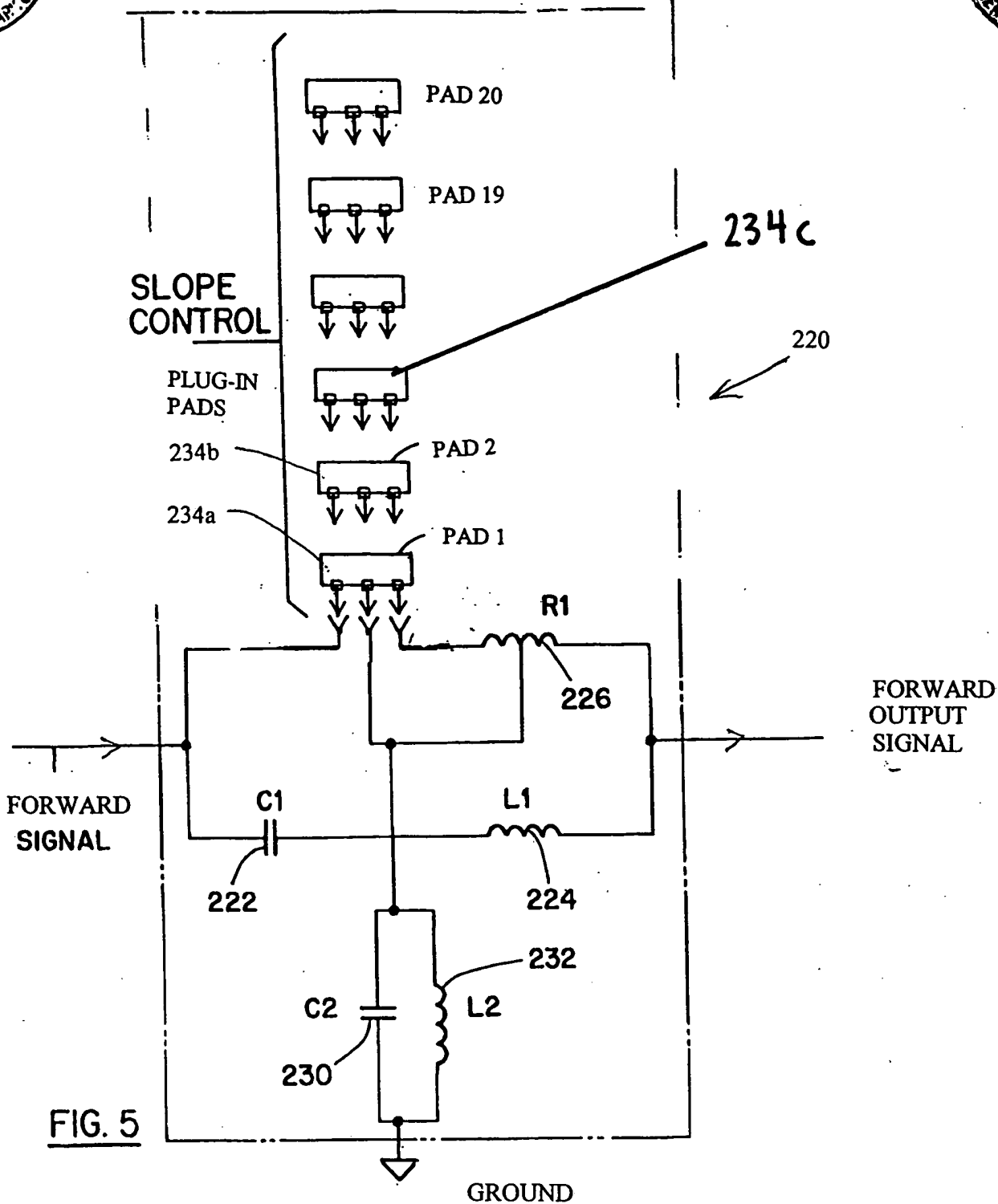


FIG. 5